

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>DETENTION ORDER</b>
	)	
vs.	)	
	)	
Timothy Allen Birk,	)	Case No. 1:07-cr-016
	)	
Defendant.	)	

---

On April 30, 2007, the court convened an arraignment hearing and detention hearing. AUSA Rick Volk appeared on the government's behalf. Assistant Federal Public Defender William Schmidt appeared on Defendant's behalf.

Upon entering pleas of not guilty the offenses charged, Defendant advised the court that, pursuant to the parties discussions, he was waiving his right to a detention hearing and consented to detention pending placement in a halfway house once bed space becomes available. The court finds that the defendant, having had an opportunity to consult with counsel, freely and voluntarily, and knowingly and intelligently waived his right to a detention hearing and consented to be detained pending placement in a halfway house.

The court **GRANTS** government's Motion for Detention (Docket No. 8) with the understanding that Defendant shall be released to a halfway house once bed space becomes available. Until such time Defendant shall be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultations with defense counsel.

On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding. At such time that bed space becomes available at either Centre, Inc. or the Bismarck Transition Center, the court shall issue an order authorizing Defendant's release.

**IT IS SO ORDERED.**

Dated this 30th day of April, 2007.

/s/ Charles S. Miller, Jr  
Charles S. Miller, Jr.  
United States Magistrate Judge